

**To:** "Nawi, David" [David\_Nawi@ios.doi.gov]  
**Cc:** CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA;CN=Erin  
Foresman/OU=R9/O=USEPA/C=US@EPA[]; N=Erin  
Foresman/OU=R9/O=USEPA/C=US@EPA[]  
**Bcc:** "Allen, Kaylee" [Kaylee.Allen@sol.doi.gov]; Monroe, James"  
[James.Monroe@sol.doi.gov]  
**From:** CN=Tom Hagler/OU=R9/O=USEPA/C=US  
**Sent:** Mon 2/13/2012 9:52:45 PM  
**Subject:** BDCP NEPA/404 Integration Memo

Briefly, and without comment:

(1) Our understanding is that DWR no longer wishes to complete the NEPA/404 Integration MOU that has been circulating amongst the 4 action agencies (DWR, BOR, FWS and NMFS) and 2 regulatory agencies (Corps and EPA) for almost a year. We are trying to pin that down, but at this point, the operating assumption is that we will not have such a multi-agency MOU.

(2) Given that, I think it would be safe for the federal action agencies to forego attendance at the "Chuck Gardner NEPA/404 Meetings," the next of which is scheduled for next Friday morning (February 17th).

(3) I talked with your FWS and BOR solicitors last week about their interest in following the proceedings of that NEPA/404 group. Given these recent developments, I think that they can find other things to do.

If anything changes, which is not unprecedented in the BDCP world, I will let you know.

\*\*\*\*\*  
\*\*\*\*\*

Tom Hagler  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street, RC-2  
San Francisco, California 94105-3901  
Phone: (415) 972-3945  
Email: hagler.tom@epamail.epa.gov